

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

JEBERIAH MOORE,
Plaintiff,

v.

CDCR, et al.,
Defendants.

Case No. 18-00101 EJD (PR)

**ORDER OF SERVICE ON
DEFENDANTS CDCR AND SVSP;
DIRECTING DEFENDANTS TO
FILE DISPOSITIVE MOTION OR
NOTICE REGARDING SUCH
MOTION; INSTRUCTIONS TO
CLERK**

Plaintiff, a California state prisoner, filed the instant pro se civil rights action pursuant to 42 U.S.C. § 1983 against the California Department of Corrections and Rehabilitation, Salinas Valley State Prison (“SVSP”), and its employees.¹ The Court found the complaint, liberally construed, stated a cognizable claim under the ADA, and ordered the matter served on individually named Defendants. (Docket No. 9.) Plaintiff has filed a notice, stating that named Defendants “CDCR” and “SVSP” were omitted from the order and requests that the matter be served on them. (Docket No. 16.)

Title II of the Americans with Disabilities Act of 1990, 42 U.S.C. § 12101 et seq. (“ADA”), provides that “no qualified individual with a disability shall, by reason of such

¹ This matter was reassigned to this Court on January 18, 2018. (Docket No. 5.)

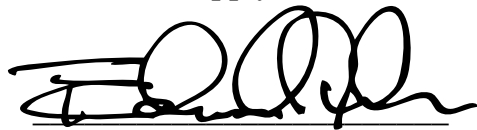
1 disability, be excluded from participation in or be denied the benefits of the services,
2 programs, or activities of a public entity, or be subjected to discrimination by any such
3 entity.” 42 U.S.C. § 12132. “Public entity” includes any state or local government or any
4 department, agency, special purpose district or other instrumentality of a state or states or
5 local government. See 42 U.S.C. § 12131(1)(A) & (B). It includes state correctional
6 facilities. See Pa. Dep’t of Corr. v. Yeskey, 524 U.S. 206, 210 (1998); Armstrong v.
7 Wilson, 124 F.3d 1019, 1025 (9th Cir. 1997). Accordingly, the CDCR and the SVSP may
8 properly be named as Defendants in this ADA action.

9 The Clerk of the Court shall mail a Notice of Lawsuit and Request for Waiver of
10 Service of Summons, two copies of the Waiver of Service of Summons, a copy of the
11 complaint, all attachments thereto, a copy of the Order of Service, (Docket No. 9), and a
12 copy of this order upon **Defendant CDCR at the Office of Legal Affairs (P.O. Box**
13 **942883, Sacramento, CA 94283-0001), and Defendant SVSP through its**
14 **representative, Warden William Muniz**, (P.O. Box 1020, Soledad, CA 93960-1020).
15 The Clerk shall also mail a copy of this Order to Plaintiff.

16 Briefing shall proceed in accordance with the schedule set forth in the court’s Order
17 of Service, (Docket No. 9), and all its other provisions shall apply.

18 **IT IS SO ORDERED.**

19 **Dated:** 6/7/2018



EDWARD J. DAVILA
United States District Judge